

**MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

ENOCH ADAMS JR., et al.

v. *TECK COMINCO ALASKA INC.*

THE HONORABLE JOHN W. SEDWICK

CASE NO. 3:04-cv-00049-JWS

PROCEEDINGS: **ORDER FROM CHAMBERS**

Date: August 31, 2007

The court will issue a standard trial setting order for the bench trial in this case within the next several days. This preliminary order is to advise counsel of several matters, only some of which will be repeated within the format of the standard trial setting order. They are the following:

(1) Trial to the court will commence at **9:00 AM** on **May 19, 2008**, and the court expects both the liability phase and the penalty phase to be completed not later than August 20, 2008. However, that date might prove too ambitious if a longer than anticipated break must be taken between the liability phase and the penalty phase. Thus, counsel should not make any conflicting commitments prior to October 1, 2008.

(2) The standard trial day for this case will be shorter than that for the typical trial. Trial will start at 9:00 AM and conclude at 3:00 PM with a one hour and fifteen minute break for lunch at 11:30 AM most days. The timing and length of the lunch break may differ one day each week so that the assigned judge can attend the weekly meeting of the court's judges.

(3) The schedule for trial briefs, motions *in limine*, etc., will be set as if the trial were starting much sooner than it actually is. This is being done in order to be sure that there is ample time for briefing and resolving all motions *in limine* that may be filed.

(4) The court will be highly disinclined to alter the pre-trial milestones or the trial date in this case. No party should expect to be routinely granted an extension of time for the filing of a response or a reply in connection with any motion *in limine* that may be filed.

(5) The final pre-trial conference will be held on **May 9, 2008**, at **8:30 AM**.

(6) The court assumes that the value of attorney time to be expended by each party hereafter preparing for trial and actually trying this case might exceed a quarter of a million dollars. The parties are encouraged to re-consider the possibility of settling this case.
